

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-9 are pending in the present application, with claims 1, 3, 4 and 9 being independent. Claims 1-3 and 9 have been finally rejected, and claims 4-8 are in condition for allowance.

**Final Rejection of Claims 1-3 and 9 Under 35 U.S.C. §102(b)**

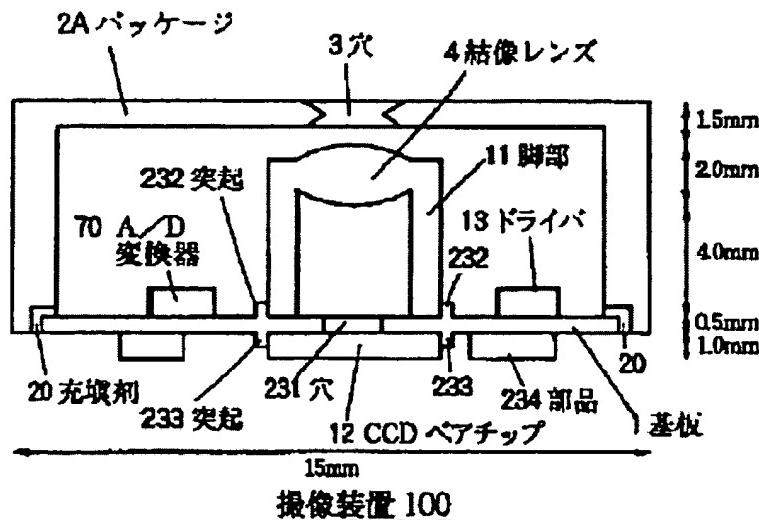
The Examiner has finally rejected claims 1-3 and 9 under 35 U.S.C. 102(b) as being anticipated by the device disclosed in Fig. 52 of Ueda (JP 09-284617). The final rejection is respectfully traversed.

**Fig. 52 of Ueda**

The device illustrated in Fig. 52 of Ueda is an image pickup device that has an image formation lens **4** and a CCD **12** which is mounted on the lower side of a substrate

1. A hole **231** allows light to be projected from the lens **4** through the substrate **1** and onto the “image region” of the CCD **12**. A “support member” or legs **11** support the lens **4** above the substrate **1**. For the convenience of the Examiner, Figure 52 is reproduced below.

[図52]



**Claims 1-3 and 9 are not Anticipated**

It is respectfully submitted that Fig. 52 of Ueda does not anticipate claims 1-3 and 9. From Figure 52, it can be readily appreciated that the “image region” of the CCD 12 is not in the same plane as the top or “first surface” of the substrate 1 which provides a surface on which legs 11 or “support member” abut the substrate 1. Accordingly, the recitation of Applicants’ claim 1 that the “the surface of the image region is in the same plane as the first surface” and the recitation of Applicants’ claim 9 that the “image region [is] formed in the first surface” are not literally or inherently present in Fig. 52 of Ueda.

Applicants' claim 1 also includes "an abutment portion [of the support member] that directly abuts said first surface of said image pickup element", and Applicants' claim 9 also includes an "abutment portion [of the support member] formed on a lower surface

that directly abuts said image pickup element". From Figure 52, it can be further appreciated that the legs 11 or "support member" does not "directly abut said first surface" which is in the same plane as the "image region" of the CCD 12, and that the legs 11 do not "directly abuts said image pickup element". Instead, Ueda clearly discloses that there is a substrate 1 disposed between disposed between the legs 11 and the plane that includes the image region of the CCD 12. Accordingly, it is respectfully submitted that Fig. 52 does not anticipate claims 1 and 9, because there are limitations in claims 1 and 9 that are not literally or inherently present in Ueda.

Since there are claim limitations in claims 1 and 9 that are missing in Ueda, the Examiner is respectfully requested to withdraw the rejection of claims 1 and 9 based upon 35 U.S.C. 102(b). Since the missing claim limitations of claim 1 are also missing from claims 2 and 3 the Examiner is likewise requested to withdraw the rejection of claims 2 and 3 based upon 35 U.S.C. 102(b).

### Conclusion

In view of the above remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to pass the application to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard J. McGrath (Reg. 29,195) at telephone number (703) 205-8000, which is located in the Washington, DC area.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 4, 2005

Respectfully submitted,

By \_\_\_\_\_  
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